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APR 21 2005

In re Application of  
Thomas E. Tarara, et al.  
Application No. 09/886,296  
Filed: June 21, 2001  
Attorney Docket No. 0054.10

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2005, which is being treated as a request for a one month extension of time for the reason stated below.

The request for a one month extension of time is granted.

A review of the file record discloses that a Notice of Appeal, bearing a certificate of mailing of October 18, 2004, was received in the USPTO on October 22, 2004. Accordingly, an Appeal Brief was due on or before December 22, 2005. However, pursuant to the provisions of 37 CFR 1.136(a), extensions of time up to May 22, 2005 are available. The above petition was sent via facsimile on January 13, 2005, before expiration of the extendible time period provided by 37 CFR 1.136(a). Accordingly, since extensions of time were available at the time the petition to revive was filed, the petition was filed prematurely. In view thereof, the petition to revive is unnecessary and is dismissed as moot.

The one month extension of time fee will be charged to petitioner deposit account no. 10-0258 as authorized. Further, since the \$1,500 petition fee is unnecessary, this fee will be credited to the above deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being referred to Technology Center 1600, Art Unit 1616, for the Request for Continued Examination (RCE) under 37 CFR 1.114 and the appropriate action on the amendment filed on January 13, 2005.

Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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